# REMARKS

Entry of this amendment is proper under 37 CFR §1.116, since there are no new claims or new issues presented herein, since the only claim amendments incorporate previous dependent claims into their respective parent claims, in a final attempt to focus the Examiner's attention on the purpose of the present invention compared to the purpose and mechanism of primary reference Nagar.

Claims 1, 31, 33-35, 37-41, 44-47, 50, and 51 are all of the claims presently pending in the application. Claims 2-30, 32, 36, 42, 43, 48, and 49 are canceled, with claims 43, 48, and 49 being newly canceled by reason of incorporation into their respective parent claims.

Applicants understand that the rejection under 35 USC §112, first paragraph, for claims 1, 47, and 50, has been withdrawn.

Claims 1, 31, 37-39, 43, and 47-51 stand rejected under 35 USC §103(a) as allegedly unpatentable over US Patent 6,604,143 to Nagar et al., further in view of US Patent Application Publication US 2002/0178381 to Lee et al., and further yet in view of US Patent Application Publication US 2002/0165954 to Eshghi. Claims 33, 35, 40, 41, 44, 45, and 46 stand rejected under 35 USC §103(a) as allegedly unpatentable over Nagar/Lee/Eshghi, further in view of US Patent 6,298,356 to Jawahar et al. Claim 34 stands rejected under 35 USC §103(a) as allegedly unpatentable over Nagar/Lee/Eshghi, further in view of US Patent Publication 2002/0161626 to Plante et al.

It is noted that Applicants specifically state that no amendment to any claim herein, if any, should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

These rejections are respectfully traversed in view of the following discussion.

## I.     THE CLAIMED INVENTION

Applicants' invention, as disclosed and claimed in, for example, independent claim 1, is directed to a method of <u>capturing dialog on a computer network</u>. Based on an initial access request to a first network node, contact is established with an intermediary node so that a subsequent dialog is directed through the intermediary node by causing a request inbound to the first network node to be directed to the intermediary node and causing a response outbound from the first network node that responds to the request to be directed to the intermediary node, wherein a plurality of requests inbound to the first network and a plurality of responding outbound responds are directed to the intermediary node, <u>thereby capturing substantially an entirety of a dialog with the network node</u>. The inbound request and the outbound response are directed to the intermediary node by causing a network address of the intermediary node to be added to the inbound request and to the outbound response. The <u>dialog is logged,</u> by storing in a memory predetermined data related to at least one of the inbound requests and the outbound responses.

<u>The dialog is analzed to measure at least one parameter related to the dialog.</u> The intermediary node modifies the content of at least one of the inbound requests and the outbound responses, wherein the modifying includes adding the network address of the intermediary node so that the dialog continues to be directed to the intermediary address. Modifying the content further includes adding the network address of the intermediary node to any of an inbound request and an outbound response related to a <u>second node</u> in the network, thereby additionally causing a <u>dialog with the second node to be directed through the intermediary node as dialog related to said initial access request.</u>

<u>Each node in the network that is visited during the dialog, subsequent to the initial access request, is similarly directed through the intermediary node, until a user does one of: manually types in a URL; selects a previously-saved URL from a brower's history file; and selects a saved URL via a selection menu.</u>

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The conventional methods of capturing dialog with a web server, for such purpose as evaluating the effectiveness of a web site, as described beginning at line 2 of page 2 of the specification do not have the capability to capture both sides of the dialog, and so are incomplete.

In contrast, the present invention provides a method by which the complete dialog can be logged, including the user's meandering to additional sites during the dialog, and analyzed for such evaluations as determining a measurement of parameters related to the effectiveness of a web site.

## II.     THE PRIOR ART REJECTIONS

The Examiner alleges that one having ordinary skill in the art would have been motivated to modify primary reference Nagar by Lee and by Eshghi to allegedly arrive at the invention described by claims 1, 31, 37-39, 43, and 47-51, and to further modify Nagar/Lee/Eshghi by Jawahar to allegedly arrive at the description of claims 33, 35, 40, 41, 44, 45, and 46, and to further modify Nagar/Lee/Eshghi by Plante to allegedly arrive at the description of claim 34.

Applicants respectfully disagree and again submit that neither primary reference Nagar nor secondary reference Lee nor any other reference currently of record is reasonably directed to the problem of being able to capture a complete dialog between a user on a browser and a specific web site.

However, in a final attempt to avert an appeal, Applicants have incorporated into their respective parent claims the dependent claims that further define the termination of the "dialog", in the context of the present invention.

That is, the claimed invention is directed to the problem not even described in any of the references currently of record of being able to completely capture dialog with a website. This complete capture would, for example, allow an effectiveness of that

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website to be measured or some other purpose such as possible influencing the user's interactions during the dialog.

To achieve this goal of capturing a complete dialog with the website, the claimed invention, upon a request to that website being evaluated, establishes contact with an intermediary so that the complete dialog with that website will be captured, including parts of that dialog in which the requestor changes to another website.

As added to independent claims 1 and 47, the "dialog" with the website under evaluation continues to be captured until the requestor is presumed to move on to another dialog, with the new dialog considered to begin when the user selects a URL as defined in the final claim limitation of these two claims.

In contrast, primary reference Nagar has nothing to do with capturing a dialog with a website. Rather, its purpose is filtering and, more specifically, providing a mechanism so that filtering can be dynamically updated (see, for example, the Abstract and lines 10-53 of column 1. To achieve its dynamic update capability, the method of Nagar teaches using plug-in filters.

There is nothing in Nagar that has any relationship with the purpose of the claimed invention. In paragraph 2 on page 2 of the latest Office Action, the Examiner points to line 53 of column 6 of Nagar: "... *other functions including logging the responses and requests....*" However, Applicants submit that this capability of logging mentioned in this line of Nagar does not in any way change the intent and mechanism of Nagar into capturing the complete dialog with a website under evaluation.

Indeed, if the user in Nagar changes to a second website, the entire purpose of Nagar is to change the filter appropriate for that new website, not attempt to capture the interaction with the second website as part of an original dialog with the first website.

Even if all responses and requests to all websites visited in Nagar were to be logged, there still is no intent in Nagar to consider these visits as constituting a single

dialog with the first website, let alone a dialog considered to terminate by a selection of one of the URLs specifically identified in the final claim limitation.

Relative to the Examiner's modification of Nagar by Lee, the Examiner concedes that primary reference Nagar fails to cause network addresses to be added and urges to modify Nagar to add this feature "*... to insure that both incoming and outgoing messages are routed appropriately through the use of well-understood routing methods such as adding headers (Lee, Figs. 4 and 5).*"

The fundamental problem with this rationale is that it makes no sense in the context of primary reference Nagar, given Nagar's purpose of filtering. That is, taking the example shown in Figure 2 of Nagar, the proxy server is a component in a firewall 214 of an intranet. To perform its purpose of filtering, the mechanism of Nagar already knows that either the requestor or the reqeustee is located in the intranet and needs only be aware of either the requested URL or the address of the outside requestor. That is, applying the appropriate filtering rules in the mechanism of Nagar would not require the addition of network addresses.

Stated differently, the modification of Nagar by secondary reference Lee, as urged by the Examiner, would not be an improvement in the context of Nagar, as would be required under the holding of *KSR*, and is clear evidence of improper hindsight.

Relative to the Examiner's further modification of Nagar by Eshghi, the Examiner in paragraph 14 on page 6 alleges that it would have been obvious to modify Nagar (to incorporate logging a dialog and analyzing the dialog): " *... in order to measure additional information (Eshghi, [7-8] and to better [correlate] gathered data (Eshghi, [36]).*"

Applicants again point out that "measuring additional information and better correlating gather data" would not be an improvement in the context and purpose Nagar (e.g., filtering requests and responses) and, indeed, would only consume time away from the task of filtering, thereby causing needless delays to Nagar's filtering mechanism.

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Moreover, the Examiner's rationale would inherently change the principle of operation of the filtering described in Nagar. Such change in principle of operation is not permitted in an obviousness evaluation under the holding of *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959), as described in MPEP §2143.01:

*"If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious."*

Relative to the Examiner's urging to further modify Nagar in view of Jawahar, in paragraph 26 the Examiner alleges that it would have been obvious to modify Nagar "... *in order to gather and then enable the utilization of additonal information, improving the en-user [?] experience (Jawahar, col. 1)."*

Applicants respectfully submit that Nagar's filtering mechanism would not be improved by "gathering and then enabling the utilization of additional information" and that "improving the enduser's experience" is not related to the filtering of Nagar. Moreover, the principle of operation Nagar would inherently have to change to accommodate this new feature being added by the Examiner's modification and such change in principle of operation is not permitted in an obviousness evaluation, as clearly described by the above-recite holding from *Ratti.*

Relative to the Examiner's urging to further modify Nagar in view of Plante, the Examiner alleges on page 16 of the Office Action that it would have been obvious to modify Nagar "... *in order to take context data into account when performing analysis, thus improving the analysis results (Plant, [38-43])".*

Again, the fundamental deficiency with this rationale is that Nagar sole purpose is filtering; it does not perform any analysis. Therefore, the Examiner has failed to demonstrate that anything in Plante would provide an improvement to Nagar's simple application of filtering rules, since the application of these rules is not determined by analyzing content.

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In contrast, the claimed invention is directed to the <u>complete</u> capture of a single dialog with a specific website that was initially contacted and which contact request initiated contact with the intermediary node, even if the user should meander to a second website after having initiated the dialog at a first website. None of the reference currently of record even recognizes this problem of making a <u>complete</u> logging of a dialog involving a website, let alone set up a mechanism so that the <u>capture and analysis of that dialog continues even after the user goes to another website</u> and continuing until the dialog with the first website is determined to be completed by making specific URL changes.

However, in an effort to expedite prosecution, Applicants have further amended the independent claims 1 and 47 to further clarify the definition of dialog with the website that initially received a request and whose dialog is being completely captured, as previously described in dependent claims 43 and 49.

Along this line, it is noted that, for the evaluation of these feature originally in dependent claims 43 and 49, the Examiner points to paragraph [0034] of Eshghi. However, as pointed out above, the mechanism described in Eshghi has nothing to offer as an improvement to the filtering purpose of primary reference Nagar and would only impose the burden of needlessly taking time away from Nagar's filtering tasks and would improperly change its principle of operation.

Moreover, the mechanism in Eshghi is not related to capturing a complete dialog with a website <u>by redirecting requests and responses through an intermediary</u>. Rather, the mechanism in Eshghi, as shown in Figure 3, involves a <u>downloading of monitoring files to the user's browser</u> so that <u>events on the browser can be monitored</u> (see steps 312-322). This is an entirely different mechanism from that used in the present invention.

Indeed, <u>if Eshghi were to be considered as providing a mechanism to evaluate a dialog with a specific website</u>, including meanderings to other websites, then Eshghi clearly demonstrates that <u>another entirely different mechanism was known in the art to</u>

achieve this purpose, thereby providing objective evidence that the mechanism of the claimed invention is indeed a novel method to achieve this result. The claimed invention achieves this result by capturing all the requests and responses of this dialog by setting up an intermediary node; Eshghi achieves the evaluation of the dialog by monitoring the events in the requestor's browser.

Hence, turning to the clear language of the claims, in Nagar there is no teaching or suggestion of: "... establishing contact, based on an initial access request to a first network node, with an intermediary node so that a subsequent dialog is directed through said intermediary node by causing requests inbound to said first network node to be directed to said intermediary node and causing responses outbound from said first network node, as responding to said inbound requests, to be directed to said intermediary node, thereby capturing, in said intermediary node, substantially an entirety of a dialog, as a dialog having begun with said initial access request to said first network node, said inbound requests and said outbound responses being directed to said intermediary node by causing a network address of said intermediary node to be added to said inbound requests and to said outbound requests, said network address of said intermediary node also being added to inbound requests and outbound responses for any of a second node in said network, said second node being different from said first node, that is visited during said dialog, thereby additionally directing a dialog with said second node through said intermediary node as related to said initial access request; logging said dialog to a memory, including any visits during said dialog to nodes other than said first node; and analyzing said dialog to measure at least one parameter related to said dialog, wherein each node in said network that is visited during said dialog, subsequent to said initial access request, is similarly directed through said intermediary node, until a user does one of: manually types in a URL; selects a previously-saved URL from a brower's history file; and selects a saved URL via a selection menu", as required by independent claim 1. The remaining independent claims have similar wording that distinguishes from Nagar.

Therefore, Applicants submit that there are elements of the claimed invention that are not demonstrated as obvious based on Nagar, and the Examiner is respectfully requested to reconsider and withdraw these rejections.
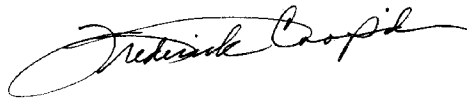
## III.    FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1, 31, 33-35, 37-41, 44-47, 50, and 51, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance.   The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Please charge any deficiencies in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0510.

Respectfully Submitted,

Date:   _March 19, 2010_        _____

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